

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of ____, which carried __, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE THE ESTABLISHMENT OF A HOME IMPROVEMENT
CENTER AT 6700 MOORETOWN ROAD

WHEREAS, Home Depot USA, L.P. has submitted Application No. UP-624-03, which requests a Special Use Permit, pursuant to Sections 24.1-306 (Category 10, No. 36) and 24.1-466(g) of the York County Zoning Ordinance, to authorize a home improvement center located at 6700 Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-32; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of ____, 2003, that Application No. UP-624-03 be, and it is hereby, approved to authorize a Special Use Permit for the establishment of a

home improvement center located at 6700 Mooretown Road subject to the following conditions:

1. This use permit shall authorize the establishment of a 132,873 square-foot home improvement center located at 6700 Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-32.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said site plan shall be in substantial conformance with the plan titled "The Home Depot, Conceptual Plan for Special Use Permit," Sheet 1 of 1, prepared by AES Consulting Engineers, dated 6/4/03 and revised 9/30/03, and building elevation titled "York County, Proposed Retail Development, The Home Depot," prepared by Greenberg Farrow Architecture dated September 18, 2003 and received by the Planning Division September 23, 2003.
3. Freestanding identification signage shall be limited to a single monument sign in substantial conformance with the monument sign elevation dated 8/28/03 and revised 9/22/03, prepared by Chandler Signs. Brick fascia used on the base of the sign shall match that of the building façade.
4. Free standing and building lighting shall incorporate the use of full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA).
5. To accomplish screening of the parking lot, landscaping in the 10-foot wide planting bed bordering the western end of the parking lot shall be a mix of evergreen trees and shrubs. Evergreen trees shall be spaced at a maximum of 20 feet. Landscaping in the side yards shall be a mix of evergreen and deciduous trees and shrubs, with not less than 50% of tree and shrub plantings as evergreen species.
6. Notwithstanding provisions of Section 24.1-376(e)(2) of the County Zoning Ordinance, there shall be no reduction of the 200-foot stream buffer paralleling Queen Creek.
7. Areas utilized for outdoor display of merchandise for sale on-premises shall be limited to those areas immediately in front of the face of the building and garden center, and shall not encroach upon parking spaces, aisles, designated required landscaped yards or infiltration yards.

8. All areas utilized for outdoor storage of materials shall be contained within fencing and screened from off-site view. If chain link or other similar open fencing is utilized, netting of a color, type, and material acceptable to the Zoning Administrator shall be installed on the fence.
9. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road.
10. The loading dock/compactor area shall be covered, and the compactor facility shall be constructed with waterproof flooring and walls.
11. Nothing in this Use Permit shall be construed as authorizing the proposed subdivision configuration creating a “pipe stem” at the northwest corner of the applicant’s site as depicted in the above-referenced plan.
12. Nothing in this Use Permit shall be construed as authorizing the proposed “future joint/shared access easement” and corresponding driveway entrance within the northern end of the 3.7-acre residual parcel as shown on the above referenced plan.
13. The applicant shall provide right of vehicular access to future developers/property owners of parcels as may be subdivided from the abutting 3.7-acre residual parcel to connect, at their expense, their sites and the Home Depot parking area at such locations as are approved by the County.
14. Parking behind the rear of the building shall be designed to be located against the outside (western) edge of the site, and end landscape islands shall be installed in addition to the center island as shown on the above-referenced plan.
15. At the time of subdivision approval, a restricted access easement satisfactory to the Subdivision Agent shall be established along Mooretown Road across the entire frontage of the 27.6-acre subject parcel identified as Assessor’s Parcel No. 2-32. In addition to the entrance in the southwest corner of the applicant’s site as shown on the above-referenced plan, a second entrance may be approved by the Subdivision Agent to jointly serve the applicant’s property and future parcels that may be subdivided from the 3.7-acre residual parcel shown on the plan, providing documentation satisfactory to the Subdivision Agent is submitted justifying the need for the entrance relative to public welfare and safety.
16. At time of subdivision approval, a joint access easement serving the applicant’s parcel and the adjacent parcel to the south shall be established as generally shown in the southwest corner of the applicant’s parcel on the above-referenced plan.
17. Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage.

18. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
19. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.